August 23, 2010 ***(Includes Adopted Constitutional Amendments A, B, C and D)***

Constitution of the Ninilchik Tribe

Preamble

We the descendants of the original Alaska Native inhabitants of Ninilchik, having a common bond of heritage, in order to promote our health, education, welfare and social well being, do hereby establish this revised Constitution as a successor to the Constitution and Bylaws that was adopted on April 24, 1979, including all subsequent amendments thereto. This document is intended to enhance, not diminish in any way, the cultural practices and observances that have enriched our tribal life through history.

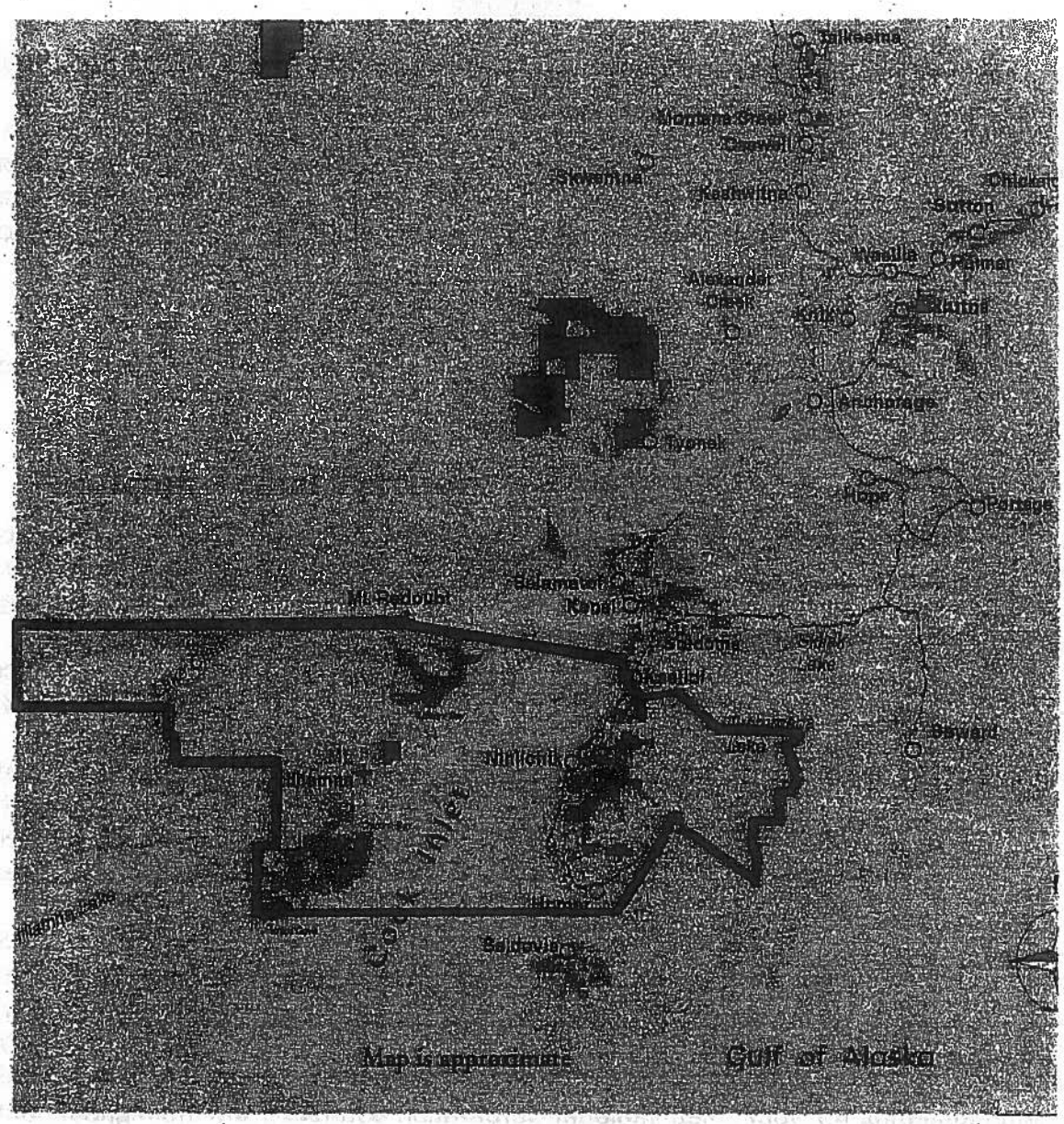
Article I – Name

The name of this organization shall be the Ninilchik Tribe. This tribe is one and the same entity as the tribe recognized by the United States Government as the Ninilchik Village.

Article II – Definition of Territory

The following description is approximate. It is intended to describe in layman's terms the boundaries of the Ninilchik Tribe. It is not intended for use as a "legal description". All angle points, unless otherwise stated, are township corners. Bearings and distances used in this description are approximate.

Beginning at a point which is the highest point on Redoubt Volcano, located on the West side of the Cook Inlet; thence East approximately 50 miles to a point which is equidistance from the shores of the mouth of the Kasilof River at low mean water; thence East approximately 14 miles following a series of points which are equidistant from the shores of the Kasilof River, on its Northermost tributary which connects both up stream and down with the Kasilof River, and are at one foot intervals, to a point which is equidistant from the shores of the Kasilof River at the confluence of the Kasilof River and the Tustemena Lake; thence Northeast to a point which is equidistant from the Southernmost point of Fox Lake and the Westernmost point of Caribou Island; thence Southeast to a point which is the intersection of the East shore of Tustemena Lake and the Seward Base Line; thence East along the Seward Base Line until the intersection of the Seward Base Line and the Cook Inlet Regional Corporation boundary; thence South following the Cook Inlet Regional Corporation boundary approximately 44.5 miles until the intersection of the Cook Inlet Regional Corporation boundary and the highest point of the Dinglestadt Glacier on that line; thence Northwest approximately 8 miles to a point which is the Southeasternmost shore of Glacier Lake; thence Northwest approximately 2 miles to a point which is equidistant and at the confluence of the Fox River and Glacier Lake; thence West approximately 20 miles along a series of points which are equidistant from the shores of the Fox River and at intervals of one foot within the northernmost tributary of the Fox River until a point which is the confluence of the Fox River and Kachemak Bay; thence Southwest approximately 20 miles to a point which is the Southeastern most point of the Homer Spit at Mean Low Tide; thence due


Talkeetna
Montana Creek
Skwentna
Keshwitna
Sutton
Wasilla
Palmer
Alexander Creek
Knik
Anchorage
Tyonek
Hope
Portage
Mt. Redoubt
Kenai
Kasilof
Ninilchik
Seward
Map is approximate
Gulf of Alaska

West approximately 84 miles until intersecting the Cook Inlet Region Incorporated boundary line to a point on the line which is due West of the point of beginning; thence due East approximately 90 miles to the point of beginning.

Included are all bodies of water (navigable and non-navigable) all land formations or parts of such bodies and formations which are within the boundaries described above.

Article III – Membership

Section 1 - Eligibility

a. The following persons are full members of the Ninilchik Tribe:
   (1) All persons who are descendants of Alaska Natives or American Indians whose names appear on the approved membership roll of the Tribe on the date of the adoption of this constitution,

b. Subject to such requirements for membership, voting or other matters as may be specified in this Constitution or by ordinance consistent with this Constitution, the following persons are eligible for full membership in the Ninilchik Tribe, provided they apply for membership and supply required documentation pursuant to the tribal enrollment ordinance:
   (1) All persons who are direct, lineal descendants of families with ancestral ties to the village of Ninilchik, and
   (2) All other persons who are of Alaska Native or American Indian descent and who have resided in the territory of the Ninilchik Tribe for a period of one year.
   (3) The legally adopted Native American child of an enrolled full member of the Ninilchik Tribe.

c. The following persons are limited, non-voting members of the Ninilchik Tribe:
   (1) All persons who are not of Alaska Native or American Indian descent whose names appear on the approved membership roll of the Ninilchik Tribe on the date of adoption of this constitution.

d. The following persons are eligible for limited, non-voting membership in the Ninilchik Tribe, provided they apply for membership and supply required documentation pursuant to the tribal enrollment ordinance:
   (1) All persons who are not of Alaska Native or American Indian descent who are either:
      (a) married to an enrolled member of the Ninilchik Tribe or
      (b) the legally adopted child of an enrolled member of the Ninilchik Tribe

Section 2 – Dual Enrollment

Dual enrollment is prohibited. No person may be a member of the Ninilchik Tribe at the same time he/she is a member of another Alaska Native or American Indian tribe.

Section 3 – Enrollment Ordinance

The Ninilchik Traditional Council is authorized to enact an enrollment ordinance governing future membership and loss of membership consistent with this Constitution and Bylaws.

Article IV - Rights of Members

Section 1 – Power

All political power is inherent in the people. The government of the Ninilchik Tribe derives its powers from the consent of the governed and is established to protect and maintain their individual rights.

Section 2 – Bill of Rights

The Ninilchik Traditional Council shall not exercise any power in such a manner as to deprive any person of rights secured by this constitution by the applicable laws of the United States. The tribe, in exercising its powers of self-government, shall not:

(a) make or enforce any law prohibiting the full exercise of worship or religion, or abridging the freedom of speech or of the press, or the right of any person peaceably to assemble and to petition for a redress of grievances;

(b) violate the right of any person to be secure in their persons, houses, papers, and effects against unreasonable search and seizure, nor issue warrants, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the person or thing to be seized;

(c) subject any person to be punished twice for the same offense;

(d) require any person in any criminal case to be a witness against himself;

(e) take any private property for public use without paying the fair market value for the property;

(f) deny to any person in a criminal proceeding the right to speedy trial, to be informed of the nature and cause of the accusation, to confront and cross-examine witnesses, and, at his own expense, to have the assistance of counsel for his defense;

(g) require bail in excess of that necessary, impose excessive fines, inflict cruel or unusual punishments, and in no event impose for conviction of any one offense any penalty or punishment greater than that authorized by federal or tribal law;

(h) deny to any person within its jurisdiction the equal protection of its laws or deprive any person of liberty or property without notice and an opportunity for a fair hearing;

(i) pass any bill of attainder or ex post facto law; or

(j) deny to any person threatened with imprisonment the right, upon request to a trial by jury of his peers of not less than six (6) persons.

Section 3 – Access to Records

Any member of the tribe shall have the right to review all tribal records, including financial records, at any reasonable time in accordance with procedures established by the Ninilchik Traditional Council. In addition to prescribing the manner of release of information, these procedures shall identify which records are, because of the confidential information regarding individuals contained therein, not subject to review.

Article V – Governing Body

Section 1 – Name

The governing body of the Ninilchik Tribe shall be called the Ninilchik Traditional Council (herein referred to as the NTC).

Section 2 – Composition

The NTC shall consist of five (5) tribal members elected pursuant to this constitution and an election ordinance enacted by the NTC.

Section 3 – Term

Each NTC member shall serve for a term of three (3) years or until a successor is elected and installed. The terms of office shall be staggered as follows: Two (2) council members shall be elected in 2001, two (2) council membership shall be elected in 2002 and one (1) council member shall be elected in 2003. The same pattern shall be followed in subsequent years.

Section 4 – Installation

Newly-elected or newly-appointed NTC members shall be installed by subscribing in writing to the oath of office prescribed in the election ordinance.

Section 5 – Organization

At the first meeting of the NTC following the installation of any new-elected or newly-appointed council member(s), the NTC shall elect its President, Vice-President, Secretary/Treasurer and such other officers as it deems necessary. Officers shall serve terms of one (1) year and until their successors are elected and qualified. However, the term of any office ends when the officer ceases to be a member of the NTC.

Section 6 – Vacancies

Any vacancy created on the NTC by resignation, recall, removal or death shall be filled by appointment by the remaining members of the NTC, whether consisting of a quorum or not.

Section 7 – Removal

(a) Any member of the NTC shall be subject to removal by the other members of the NTC for any one of the following actions:
   (1) failure to attend three (3) consecutive regular monthly meetings of the NTC.

(2) failure to attend four (4) regular monthly meetings of the NTC within a six (6) month period.
(3) violation of the oath of office subscribed to when installed as a member of the NTC.
(4) discovery that during their term of office or within five years prior to the commencement of their term of office, they have been convicted of or pled guilty or no contest to a felony offense or any offense involving dishonesty or moral turpitude.

(b) Three affirmative votes for removal are required to effect the removal of a member of the NTC.

Article VI - Powers of the Ninilchik Traditional Council

Section 1 – Enumerated Powers

In addition to all powers vested in the Ninilchik Tribe through its inherent sovereignty or by existing law, the NTC shall exercise the following powers, subject to any limitations imposed by this constitution:

(a) To represent the tribe and act in all matters that concern the welfare of the tribe, and to make decisions not inconsistent with or contrary to this constitution.
(b) To negotiate, make and perform contracts and agreements of every description, not inconsistent with Federal law or this constitution, with any person, association, corporation, municipality, the state of Alaska or the United States.
(c) To advise the Secretary of the Interior and Congress on all activities that may affect the tribe and on all appropriation estimates and Federal projects for the benefit of the tribe.
(d) To employ legal counsel, the choice of counsel and fixing of fees to be subject to the approval of the Secretary of the Interior, so long as such approval is required by Federal law.
(e) To regulate the uses and disposition of tribal property.
(f) To manage all economic affairs and enterprises of the tribe.
(g) To accept grants and donations from any person, State or the United States.
(h) To appropriate tribal funds for tribal purposes and to expend such funds in accordance with an annual budget.
(i) To borrow money from any source and pledge or assign chattels or future tribal income as security therefore; however, any loan which exceeds $500,000 or on which the appraised value of the property or income pledged exceeds $500,000 shall require a vote of the membership of the tribe before its terms are binding upon the tribe.
(j) To enact ordinances regarding any governmental functions, including, but not limited to the establishment of tribal courts, the levying of fees, taxes and assessments and the conduct of elections.

(k) To regulate its own procedures, to appoint subordinate committees, commissions, board, advisory or otherwise, and to appoint tribal officials and employees not otherwise provided for in this constitution.

Section 2 – General

The NTC shall have all of the appropriate powers necessary to implement specific provisions of this Constitution and to effectively govern the affairs of the tribe. All other powers not referred to in this constitution, including the waiver of the tribe's sovereign immunity to unconsented suit, are reserved to the general membership and may be exercised through initiative, referendum or amendment to this constitution.

Article VII - Elections

Section 1 – Voters

Tribal members must be registered to vote in order to participate in any election of the Ninilchik Tribe. Only enrolled, full members who are direct, lineal descendants of families with ancestral ties to the village of Ninilchik, who are eighteen years of age or older and who reside within the State of Alaska shall be eligible to register to vote pursuant to provisions of the election ordinance. Other enrolled, full tribal members who do not have ancestral ties to the village of Ninilchik but who are registered to vote on August 17, 2004 shall be eligible to vote in all future tribal elections in accordance with provisions of the election ordinance. Tribal members who no longer reside in the State of Alaska shall lose their status as registered voters and are not eligible to vote.

Section 2 – Ordinance

All elections of the Ninilchik Tribe shall be conducted pursuant to the provisions of an election ordinance enacted by the NTC consistent with this constitution.

Section 3 – Manner of Voting

All elections of the Ninilchik Tribe shall be conducted by mail-in ballot pursuant to provisions of the election ordinance.

Section 4 – Dates

The regular election to elect members of the NTC to fill the positions with expiring terms shall be held on the second Monday in November in each year. Any election requested by a petition for recall, initiative, referendum or amendment of this constitution shall be conducted within forty-five (45) days after the determination of the petition's validity pursuant to the provision of the election ordinance.

Section 5 – Qualification of Candidates

Only registered voters of the tribe who reside within the Tribe's territory as defined in Article II of this Constitution may seek election to the NTC. A candidate shall only be deemed qualified if he/she is not employed by the Ninilchik Traditional Council (NTC). Any new candidate running for the Board, or any previous Board member seeking re-election, shall be deemed unqualified if found to be, in any capacity, an employee of NTC, either inactive, temporary or permanent, full or part time. However, no voter seeking election shall be placed upon the ballot if such voter has been convicted of or pled guilty or no contest to a felony offense or any offense involving

dishonesty or moral turpitude within five (5) years of the date of the election; or has been found guilty of, or entered a plea of nolo contendere or guilty to, any felonious offense or any of 2 or more misdemeanor offenses under Federal, State, or tribal law involving crimes of violence; sexual assault, molestation, exploitation, contact or prostitution; crimes against persons; or offenses committed against children. In addition, a successful candidate must provide the results of a drug and alcohol test in the same manner as that required to be submitted by tribal employees before being installed into office. Should this not be provided prior to the scheduled date of the installation, the candidate receiving the highest number of votes shall be declared disqualified and the candidate receiving the second highest number of votes in that contest shall be declared the winner.

Article VIII – Meetings

Section 1 – Meetings of the General Membership

(a) Regular – The regular annual meeting of the general membership of the Ninilchik Tribe shall be held on the Saturday following the second Monday in November of each year. At this annual meeting, the newly-elected member(s) of the NTC shall be installed into office. Other items may also be discussed at this meeting.

(b) Special – Special meetings of the general membership may be called by the President of the NTC at his/her discretion. Special meetings shall be called upon receipt of a valid petition signed by thirty percent (30%) of the registered voters of the tribe. The election committee shall determine the validity of the petition and shall call the requested meeting. Notice of such meetings by appropriate postings shall be given not less then five (5) days prior to the meetings.

(c) Purpose – All meetings of the general membership shall be for informational purposes including, but not limited to, the receiving of reports from tribal officials and/or employees, asking of questions regarding tribal affairs, etc. Voting by the general membership shall be done only in elections conducted pursuant to the election ordinance in response to initiative, referendum, recall or amendment actions as provided for in this constitution.

(d) Quorum – Since no decisions are made at meetings of the general membership, there is no need for a quorum requirement. Any number of persons who are present at a duly called meeting may discuss any tribal affairs that may come before the session.

Section 2 – Meetings of the Ninilchik Traditional Council (NTC)

(a) Regular – Monthly meetings of the NTC shall be held on dates and times established by NTC members at the previous month's session.

(b) Special – Special meetings of the NTC may be called by the President at his/her discretion and shall be called when requested in writing by three members of the NTC. All members of the NTC shall be notified of each special meeting.

(c) Quorum – Three (3) members of the NTC must be present to conduct any business except where specific exceptions are permitted by this constitution.

Article IX – Popular Participation in Government

Section 1 – Recall

The registered voters may initiate the recall of a NTC member or officer by filing a recall petition signed by at least thirty percent (30%) of the registered voters. A recall petition may request the recall of only one NTC member. The petition must state the grounds for the recall. The grounds for recall are misconduct in office, incompetency or failure to perform prescribed duties. A recall petition shall be filed at the NTC office. The election committee shall determine the validity of the petition and conduct the recall election pursuant to the provisions of the election ordinance. The recall of only one NTC member may be considered at each recall election. A NTC member may be subject to a recall election only one time every three months and if recalled will be debarred from election eligibility for five years.

Section 2 – Referendum

The Ninilchik Traditional Council (NTC) may refer any ordinance or other matter to the registered voters for approval or rejection. The registered voters may also approve or reject acts of the NTC by filing a referendum petition signed by at least thirty percent (30%) of the registered voters of the tribe. A referendum petition shall be filed at the NTC office. The election committee shall determine the validity of the petition and conduct the referendum election pursuant to the provisions of the election ordinance.

Section 3 – Initiative

The registered voters may initiate legislation by filing an initiative petition signed by at least thirty percent (30%) of the registered voters of the tribe. An initiative petition shall be filed at the NTC office. The election committee shall determine the validity of the petition and conduct the initiative election pursuant to the provisions of the election ordinance.

Section 4 – Limitations on Referendum and Initiative

A referendum or initiative election shall not be called on any matter similar to a matter that was rejected by the voters within the twelve-month period preceding the submission of the petition requesting the election. No initiative or referendum shall be set for election that would void, cancel, abrogate, modify or amend any properly approved contract, agreement or compact to which the tribe is a party. No initiative or referendum shall be set for election that is contrary to Federal law or this constitution. The election committee shall be responsible for assuring that the wording of an issue on an initiative or referendum ballot is clear and easily understood by the voters and that it accurately reflects the intent of the petitioners.

Article X – Duties of Officers

Section 1 – The President

The President of the NTC shall preside over all meetings of the NTC and all meetings of the general membership. The President shall vote in NTC meetings only in

case of a tie. The President shall execute on behalf of the tribe all contracts or other documents approved by the NTC. The President shall have general supervision of other tribal officers and committees of the tribe and shall see that their duties are properly performed. Between sessions of the NTC, the President shall be the official representative of the tribe.

Section 2 – The Vice President

The Vice President of the NTC shall assist the President when called upon to do so. In the absence or incapacity of the President, the Vice President shall preside over meetings of the NTC and of the general membership and perform the other functions of the President.

Section 3 – The Secretary/Treasurer

The Secretary/Treasurer shall be responsible for the recording of all minutes of NTC and general membership meetings, for the maintenance of accurate records of all business transactions of the NTC, for the proper recording and preservation of all tribal ordinances, resolutions and other rules and regulations. The Secretary/Treasurer shall supervise the receipt, preservation and disbursement of all funds that come into the possession of the tribe in a manner prescribed by the NTC. The Secretary/Treasurer may be required, at the request of the NTC, to give surety bond satisfactory to the NTC.

In the event of the absence or incapacity of the Secretary/Treasurer, the remaining members of the NTC shall select a member of the NTC to perform those duties during the period of that absence or incapacity.

In the event of the absence or incapacity of both the President and the Vice President, the Secretary/Treasurer shall act as President including all of the responsibilities and duties outlined for that position in section 1 of this Article.

Section 4 – Administrative Ordinance

The relationship of the officers and members of the NTC to the Executive Director and to other employees of the tribe shall be set forth in an administrative ordinance. This administrative ordinance shall also further detail and refine the duties of the tribal officers and committees.

Article XI – Severability

If any provision of this constitution shall in the future be declared invalid by a court of competent jurisdiction, the invalid provision or provisions shall be severed and the remaining provisions shall continue in full force and effect.

Article XII - Amendment

Amendments to this constitution may be proposed by a resolution of the Ninilchik Traditional Council or by a petition signed by at least thirty percent (30%) of the registered voters of the tribe. A petition for amendment(s) shall be filed at the NTC office. The election committee shall determine the validity of the petition. An election

on amendment(s) proposed by either the NTC or by petition shall be conducted pursuant to the provisions of the election ordinance. The amendment shall be effective upon the certification of the results of the election provided that it was ratified by a majority of the registered voters in an election in which at least thirty (30%) percent of the registered voters submitted their ballots.

Article XIII – Adoption

Pursuant to Article VII – Amendments of the Constitution and Bylaws of the Village of Ninilchik, Alaska, adopted on April 24, 1979, as amended, this revised Constitution of the Ninilchik Tribe shall be in effect when it is ratified by a majority vote, provided that at least ten percent (10 percent) of those entitled to vote shall vote in such election.

Certification of Adoption

We, the Election Committee of the Ninilchik Tribe, do hereby certify that this Constitution of the Ninilchik Tribe was ratified on the 14 day of March, 2001, consistent with the terms of Article XIII of this Constitution by a vote of 34 yes and 11 no for a total of 45 casting ballots. This number casting ballots is more than ten percent (10%) of the 91 registered voters on the date of the election.

Rebecca Odell Hanson
Chairman, Election Committee

[redacted] 14th March 2001
the NTC Election Committee
Joan Zane Encelewski
[redacted]

Member, Election Committee

Notary Public
JOAN ZANE ENCELEWSKI
State of Alaska
My Commission Expires Jun 25, 2003

Edna M. Chenoa
Member, Election Committee

Alternate, Election Committee

March 14 2001
Date Signed

Notarization of Signatures:

Certification of Adoption of Amendment A

We, the Election Committee of the Ninilchik Tribe, do hereby certify that Constitutional Amendment A of the Ninilchik Tribe, which incorporated amendments recommended by NTC Resolution 2004-19 was ratified by the Tribe's voters on the 9th day of November, 2004, consistent with the terms of Article XII of this Constitution by a vote of 30 yes and 23 no for a total of 53 casting ballots. This number casting ballots is more than thirty percent (30%) of the 94 registered voters on the date of the election.

Rebecca Odile Hansen 3/9/05
Chairman, Election Committee

Ida M. Chenier 3/4/05
Member, Election Committee

3/4/05
Elizabeth M. Kruzick
Member, Election Committee

Robert A. Wilcox 3/11/05
Alternate, Election Committee

Date Signed

Notarization of Signatures:

State of Alaska, County of 3rd Dist
Signed before me on this 4th day
of March, 2005 by Ida M. Chenier
Notary Public [signature]
Exp: 8/28/2005

ROBERT E. CROSBY NOTARY PUBLIC STATE OF ALASKA

State of Alaska, County of 3rd Dist
Signed before me on this 4th day
of March 2005 by Elizabeth M. Kruzick
Notary Public [signature]
Exp: 8/28/2005

ROBERT E. CROSBY NOTARY PUBLIC STATE OF ALASKA

State of AK, County of 3rd District
Signed before me on this 9th day
of March, 2005 by Odile Hansen
Notary Public [signature]

DEBRA HENDERSON NOTARY PUBLIC STATE OF ALASKA

State of Alaska, County of Kenai Pen. Bor
Signed before me on this 11th day
of March, 2005 by Lela
Notary Public Jennison

Notary Public
LELA JENNISON
State of Alaska
My Commission Expires November 11, 20

Ninilchik Traditional Council
P.O. Box 39070
Ninilchik, Alaska 99639
Ph: 907 567-3313 / Fx: 907 567-3308
E-mail: chris@ninilchiktribe-nsn.gov
Web Site: www.ninilchiktribe-nsn.gov

NINILCHIK TRADITIONAL COUNCIL
NOVEMBER 8, 2004 NTC ELECTION
PRELIMINARY CERTIFICATION OF ELECTION RESULTS

NUMBER OF REGISTERED VOTERS	94
**NUMBER OF VALID BALLOTS RETURNED	53
NUMBER OF BALLOTS NULLIFIED/INVALIDATED	0
NUMBER OF BALLOTS RETURNED UNDELIVERABLE	3

TOTAL # OF BALLOTS RETURNED

Election Results (Number Of Valid Votes For Each Candidate):

Ninilchik Traditional Council Seat:	David Cooper, Jr.	30
	Michael Painter	28
	Michelle Steik	29

Proposed Constitutional Amendment A:

Shall the proposed amendment A be approved?

This amendment changes the Ninilchik Tribe's Constitution To clarify and specify certain membership and voting requirements In accordance with NTC resolution 2004-19.

Yes	30
No	23

Minimum Participation Required-

Did thirty percent of registered voters submit ballots?

Pursuant to Article XII Of the Constitution, an amendment shall be effective upon Certification of the results of the election provided that it was Ratified by a majority of the registered voters in an election in Which at least thirty percent (30%) of the registered voters submitted their ballots. If less than thirty percent (30%) of the registered voters submit ballots, the proposed amendment(s) is not ratified.

YES	✓
NO	

CERTIFIED BY THE NTC ELECTION COMMITTEE ON NOVEMBER 9 Dec 8, 2004:

Elizabeth M. Kruzick
Liz Kruzick - NTC Election Committee

Robert L. Welch
Bob Welch - NTC Election Committee

Robeson Odile Hanson
Odile Hanson - NTC Election Committee

Ida M. Chenier
Ida Chenier - NTC Election Committee

Posted at NTC Office 11/09/04, Copy to NTC

If no contest to the election is filed, this shall be the final certification of results of the November 8, 2004 NTC Election.

If nothing is contested, this shall serve as the final

Ninilchik Traditional Council
P.O. Box 39070
Ninilchik, Alaska 99639
Ph: 907 567-3313 / Fx: 907 567-3308
Email: ntc@ninilchiktribe-nsn.gov

CONSTITUTIONAL

AMENDMENT A

NINILCHICK TRADITIONAL COUNCIL

RESOLUTION 2004-19

TO AMEND THE NINILCHICK TRADITIONAL COUNCIL CONSTITUTION TO CLARIFY AND SPECIFY CERTAIN MEMBERSHIP AND VOTING REQUIREMENTS AND FOR RELATED PURPOSES

WHEREAS: The Ninilchik Traditional Council ("NTC") is the duly constituted governing body of Ninilchik Village, a federally recognized Indian Tribe ("Tribe"), that is also sometimes known as the "Ninilchik Village Tribe" or "Ninilchik Tribe", and

WHEREAS: The Tribe is governed under a traditional constitution entitled "Constitution of the Ninilchik Tribe" ("Constitution") that was duly adopted by vote of the Tribe's membership on March 14, 2001, and

WHEREAS: Articles III and VII of the Constitution provide for certain requirements for membership and voting, and

WHEREAS: The Constitution may be amended by NTC Resolution and ratification by the Tribe's voters as provided in Article XII of the Constitution, and

WHEREAS: After careful consideration NTC has determined that the membership and voting requirements of the Constitution should be amended to preserve membership and control of the Tribe's affairs in the descendants of the families with ancestral ties to Ninilchik Village.

NOW THEREFORE BE IT RESOLVED that Articles III and VII of the Constitution of the Ninilchik Tribe shall be amended as follows with additions indicated by underlining and deletions by ~~strikeouts~~:

Article III – Membership

Section 1 – Eligibility

a. The following persons are full members of the Ninilchik Tribe:
   (1) All persons who are descendants of Alaska Natives or American Indians whose names appear on the approved membership roll of the Tribe on the date of the adoption of this constitution.

b. Subject to such requirements for membership, voting or other matters as may be specified in this Constitution or by ordinance consistent with this Constitution, the following persons are eligible for full membership in the Ninilchik Tribe, provided they apply for membership and supply required documentation pursuant to the tribal enrollment ordinance:

(1) All persons who are direct, lineal descendants of ~~historic residents of~~ families with ancestral ties to the village of Ninilchik, and
(2) All other persons who are of Alaska Native or American Indian descent and who have resided in the territory of the Ninilchik Tribe for a period of one year.
(3) The legally adopted Native American child of an enrolled full member of the Ninilchik Tribe

[Remaining provisions of Article III, Section 1 unchanged]

Article VII – Elections

Repeal Article VII, Section 1 and re-enact to read as follows:

Section 1 – Voters

Tribal members must be registered to vote in order to participate in any election of the Ninilchik Tribe. Only enrolled, full members who are direct, lineal descendants of families with ancestral ties to the village of Ninilchik, who are eighteen years of age or older and who reside within the State of Alaska shall be eligible to register to vote pursuant to provisions of the election ordinance. Other enrolled, full tribal members who do not have ancestral ties to the village of Ninilchik but who are registered to vote on [date of the adoption of this resolution] shall be eligible to vote in all future tribal elections in accordance with provisions of the election ordinance. Tribal members who no longer reside in the State of Alaska shall lose their status as registered voters and are not eligible to vote.

[Article VII, Sections 2, 3 and 4 unchanged]

Section 5 – Qualification of Candidates

~~Any registered voter~~ Only registered voters of the tribe who reside within the Tribe's territory as defined in Article II of this Constitution may seek election to the NTC. However, no voter seeking election shall be placed upon the ballot if such voter has been convicted of or pled guilty or no contest to a felony offense or any offense involving dishonesty or moral turpitude within five (5) years of the date of the election. In addition, a successful candidate must provide the results of a drug and alcohol test in the same manner as that required to be submitted by tribal employees before being installed in office. Should this no be provided prior to the scheduled date of the installation, the candidate receiving the highest number of votes shall be declared disqualified and the candidate receiving the second highest number of votes in that contest shall be declared the winner.

BE IT FURTHER RESOLVED that the foregoing Constitutional amendments shall be placed before the tribal members for ratification as a single proposition at an election as provided in Article XII of the Constitution and the Tribe's election ordinance.

CERTIFICATION

The foregoing resolution was ADOPTED this 17th day of August, 2004 at a duly called meeting of the Ninilchik Traditional Council at which quorum was present by a vote of 4 For, 0 Against, 0 Absent, 1 Not Voting.

NINILCHICK TRADITIONAL COUNCIL

Richard G. Encelewski, President

ATTEST: Ivan Z. Encelewski, Secretary